

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference P36016P0-508	FOR FURTHER ACTION		See item 4 below
International application No. PCT/JP2004/016504	International filing date (<i>day/month/year</i>) 01 November 2004 (01.11.2004)	Priority date (<i>day/month/year</i>) 30 October 2003 (30.10.2003)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.			

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).																								
2.	This REPORT consists of a total of 10 sheets, including this cover sheet. In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td style="width: 60%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input checked="" type="checkbox"/>	Box No. VII	Certain defects in the international application	<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application
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4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).																								

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 740 14 35	<table style="width: 100%; border: none;"> <tr> <td style="border-bottom: 1px solid black; padding-bottom: 5px;">Date of issuance of this report 01 May 2006 (01.05.2006)</td> </tr> <tr> <td style="padding: 5px;"> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">Authorized officer</td> <td style="width: 50%; text-align: center; border: none;">Yoshiko Kuwahara</td> </tr> <tr> <td colspan="2" style="border: none;">Telephone No. +41 22 338 90 90</td> </tr> </table> </td> </tr> </table>	Date of issuance of this report 01 May 2006 (01.05.2006)	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">Authorized officer</td> <td style="width: 50%; text-align: center; border: none;">Yoshiko Kuwahara</td> </tr> <tr> <td colspan="2" style="border: none;">Telephone No. +41 22 338 90 90</td> </tr> </table>	Authorized officer	Yoshiko Kuwahara	Telephone No. +41 22 338 90 90	
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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 15 NOV 2005

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To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/JP2004/016504

International filing date (day/month/year)
01.11.2004

Priority date (day/month/year)
30.10.2003

International Patent Classification (IPC) or both national classification and IPC
G07B15/02

Applicant
MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1b/s(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/JP2004/016504

Box No. 1 Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/JP2004/016504

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1,8-12,14,15,17
	No: Claims	2-7,13,16
Inventive step (IS)	Yes: Claims	
	No: Claims	1-17
Industrial applicability (IA)	Yes: Claims	1-17
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Reference is made to the following documents:

D1: WO 00/62260 A (SWISSCOM AG; RITTER, RUDOLF; LAUPER, ERIC) 19
October 2000 (2000-10-19)
D2: EP-A-0 691 625 (AT&T CORP) 10 January 1996 (1996-01-10)
D3: EP-A-1 215 632 (OMRON CORPORATION) 19 June 2002 (2002-06-19)
D4: WO 01/16759 A (CRYPTEC SYSTEMS, INC) 8 March 2001 (2001-03-08)

2. The subject-matter of independent claims 2, 13 and 16 is not new in the sense of
Article 33(2) PCT and does not meet the requirements of inventive step (Article 33(3)
PCT). The reasons are the following:

- 2.1 Document D2 discloses, according to the features of claim 2,

a mobile terminal device ("40" in figure 1; abstract) to which a memory card is
attached ("20" in fig. 1; abstract), the mobile terminal device and a server device ("10"
in figure 1; "interrogation station" in the abstract) constituting a radio communication
system ("two-way radio frequency read/write communications" in the abstract), the
mobile terminal device comprising:

a receiving unit ("antenna 410" in column 5, line 3-19; fig. 4) operable to receive
a start request ("radio frequency signal energy radiated by an antenna" in column 5,
line 3-19; "MICROWAVE" in fig. 5) from the server device, the start request requiring
the mobile terminal device, the server device, and the memory card to start
communication including a plurality of procedures (column 5, line 3-19; fig. 5);

an activating unit operable to activate the memory card, when the receiving unit
receives the start request ("detector 440" and "CPU 430" in column 5, line 3-19; fig.
4; column 6, line 53-57); and

a communication unit ("CPU 430" in column 5, line 3-19) operable to, when the
receiving unit receives the start request, perform an initial procedure of the plurality of
procedures with the server device (sending the ID data to the server in fig. 5; column

6, line 53 - column 7, line 3).

Consequently, the subject-matter of claim 2 is not new (Article 33(2) PCT).

It is to be noted that the subject-matter of claim 2 is also not new vis-a-vis to the disclosure of document D1 (abstract; fig. 1; page 12, line 22-32 and page 13, line 17 - page 14, line 14), which also discloses the activation of a memory card in a mobile device by an external signal ("Initiierungssequenz" on page 12, line 22-32), which is followed by a number of different procedures (Article 33(2) PCT).

Furthermore, document D3 (paragraphs 11, 71, 105-107, 115, 119, 133) discloses the activation of a memory in a mobile telephone by an external signal and the subsequent execution of a number of procedures. Although D3 does not disclose that the memory is in the form of a memory card, the use of such a card would be obvious for making the memory exchangeable. By replacing the memory of document D3 by a memory card, the skilled person would arrive at the subject-matter of claim 1 without the use of inventive skills (Article 33(3) PCT).

- 2.3 The server device of claim 13 and the computer program of claim 16 correspond to the mobile terminal device of claim 2. Hence, these claims do also not meet the requirements of Articles 33(2) and 33(3) PCT.
3. The subject-matter of independent claims 1, 14 and 17 does not meet the requirements of Article 33(3) PCT for lack of inventive step. The reasons are the following:
 - 3.1 In addition to the features of claims 2, 10, 13 and 16 (see point 2 above), claims 1, 14 and 17 comprise the features that:
 - the memory card comprising:
 - a) a boot unit operable to perform a boot operation when the memory card is activated, the boot operation being performed concurrently with the first procedure between the first communication unit and the server device; and
 - b) a second communication unit operable to, when the boot unit completes

the boot operation, perform the second procedure with the server device.

The feature b) is known from document D1 ("Applets" on page 9, line 6-23). D1 is thus considered to represent the closest prior art, since it comprises all the features of claim 1, except feature a) above.

The subject-matter of claim 1 therefore differs from the known system of D1 in that the memory card comprises a boot unit performing a boot operation. The technical effect caused by this boot unit is that the Applets are initiated.

The problem to be solved by the present invention may therefore be regarded as finding a manner to initiate the Applets.

The solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT), because the skilled person must choose merely whether the activation of the Applets is performed by the smart card or by the mobile telephone. Since it is preferential for compatibility purposes to implement the boot unit on the smart card, an inventive step can not be acknowledged for the subject-matter of independent claims 2, 13 and 16.

Moreover, D4 (page 13, line 25-28) exemplifies that it is common practice to perform an initial boot on a smart card when such a smart card is initially powered, like in D1.

4. Dependent claims 3-9, 11, 12 and 15 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, see documents D1-D3 and the corresponding passages cited in the search report.

Moreover, the features of claims 8 and 9 do not relate to technical features of the invention, and can not therefore contribute to inventive step.

Re Item VII

Certain defects in the international application

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/JP2004/016504

In addition, the following requirements should also be attended to in an amended application to be filed:

1. To meet the requirements of Rule 6.3 (b) (i) and (ii) PCT, newly filed independent claims should be properly cast in the two part form, with those features which are part of the prior art (see document D1) being placed in the preamble.
2. The features of the claims should be provided with reference signs placed in parenthesis to increase the intelligibility of the claims (Rule 6.2 (b) PCT). This applies to both the preamble and the characterising portion of all claims.
3. In order to indicate more completely the background art useful for understanding the invention, the above-mentioned documents D1-D3 should be acknowledged in the description (Rule 5.1 (a) (ii) PCT).
4. When filing amended claims the applicant should at the same time bring the description into conformity with the amended claims (Rule 5.1 (a) (iii) PCT).
5. The embodiment in the description on page 41-42, for switching between a normal and a secure mode, implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity (Article 6 PCT) when used to interpret them (see also the PCT Guidelines IV III-4.3a). This embodiment should thus be deleted.
6. In amending the application care should be taken not to extend the content of the application beyond that of the application as filed, by the addition or deletion of subject-matter, in order to meet the requirements of Articles 19 (2) and 34(2) (b) PCT.

Moreover, in order to expedite the procedure the applicant is requested to indicate with his reply the locations in the application as originally filed of the passages forming a basis for any amendments which are made. If the applicant regards it as appropriate, these indications should be submitted in handwritten form on a copy of the relevant parts of the application as filed.

The applicant is requested to file amendments by way of replacement pages. He should also take into account the requirements of Rule 66.8 PCT. In particular, fair copies of the amendments should be filed in triplicate.

Re Item VIII

Certain observations on the international application

1. The various definitions of the invention given in independent apparatus claims 2 and 10, are such that the claims as a whole are not clear and concise (Rule 6.1 (a) and Article 6 PCT)

In the present case it is considered appropriate to use only **one** independent claim for the mobile terminal, with features **corresponding** to the independent system claim.

In addition, the subject-matter of independent apparatus claim 2 does not comprise the feature of claim 10 of comprising a "boot unit", whereas this feature appears essential for the present invention (Article 6 PCT), since it constitutes the difference over the prior art (see section V. above). Hence it further appears that the subject-matter of claims 2 and 10 is not unitary (Rule 13.1 and 13.2 PCT).

2. The category of claims 1, 3-7, 13, 14, 16 and 17 is not clear, since in claims 1, 3-7, 13 and 14 it is not evident whether an apparatus is claimed or a method ("performing communication" in claim 1; "supplies power" in claims 3 and 6; "stops supplying power" in claims 4 and 6; "notifies" in claim 5; "obtains" and "instructs" in claims 6 and 7; "performs authentication" in claim 7; "transmits" in claim 13; "activating" in claim 14), and in claims 16 and 17 it is not evident whether a computer program or a computer program in operation is claimed ("applied to" and "causing" in claims 16 and 17; "activating" in claim 17) (Article 6 PCT).
3. The "memory card" of claim 14 is defined by features which are not part of the memory card itself (e.g. "the mobile terminal activating"), contrary to the requirements of Article 6 PCT.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/JP2004/016504